



## **DEVELOPMENT APPLICATION**

**PDPLANPMTD-2023/034713**

**PROPOSAL:** BBQ Pergola Building (Retrospective)

**LOCATION:** 274 Acton Drive, Acton Park (with access over 270,  
278 & 282 Acton Drive, Acton Park)

**RELEVANT PLANNING SCHEME:** Tasmanian Planning Scheme - Clarence

**ADVERTISING EXPIRY DATE:** 13 February 2024

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 13 February 2024. In addition to legislative requirements, plans and documents can also be viewed at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) during these times.

Any person may make representations about the application to the Chief Executive Officer, by writing to PO Box 96, Rosny Park, 7018 or by electronic mail to [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au). Representations must be received by Council on or before 13 February 2024.

To enable Council to contact you if necessary, would you please also include a day time contact number in any correspondence you may forward.

Any personal information submitted is covered by Council's privacy policy, available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at the Council offices.

# Clarence City Council



## APPLICATION FOR DEVELOPMENT / USE OR SUBDIVISION

The personal information on this form is required by Council for the development of land under the Land Use Planning and Approvals Act 1993. We will only use your personal information for this and other related purposes. If this information is not provided, we may not be able to deal with this matter. You may access and/or amend your personal information at any time. How we use this information is explained in our **Privacy Policy**, which is available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at Council offices.

Proposal:

BBQ PERGOLA

Location:

Address 274 ACTON DRIVE

Suburb/Town ACTON PARK Postcode 7170

Current  
Owners/s:

Applicant:

**Personal Information Removed**

Tax Invoice for  
application fees to  
be in the name of:  
(if different from  
applicant)

Estimated cost of development

\$ 12,000

Is the property on the Tasmanian Heritage Register?

Yes

☐

No

☒

(if yes, we recommend you discuss your proposal with Heritage Tasmania prior to lodgement as exemptions may apply which may save you time on your proposal)

If you had pre-application discussions with a Council Officer, please give their name

BREE DREEN

Current Use of Site:

RESIDENTIAL

Does the proposal involve land administered or owned by the Crown or Council?

Yes

☐

No

☒

**Declaration:**

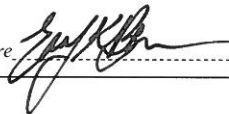
- I have read the Certificate of Title and Schedule of Easements for the land and am satisfied that this application is not prevented by any restrictions, easements or covenants.
- I authorise the provision of a copy of any documents relating to this application to any person for the purposes of assessment or public consultation. I agree to arrange for the permission of the copyright owner of any part of this application to be obtained. I have arranged permission for Council's representatives to enter the land to assess this application
- I declare that, in accordance with Section 52 of the Land Use Planning and Approvals Act 1993, that I have notified the owner of the intention to make this application. Where the subject property is owned or controlled by Council or the Crown, their signed consent is attached. Where the application is submitted under Section 43A, the owner's consent is attached.
- I declare that the information in this declaration is true and correct.

**Acknowledgement:**

- I acknowledge that the documentation submitted in support of my application will become a public record held by Council and may be reproduced by Council in both electronic and hard copy format in order to facilitate the assessment process; for display purposes during public consultation; and to fulfil its statutory obligations. I further acknowledge that following determination of my application, Council will store documentation relating to my application in electronic format only.

Applicant's  
Signature:

Signature



Date

23/2/2023

**PLEASE REFER TO THE DEVELOPMENT/USE AND SUBDIVISION CHECKLIST  
ON THE FOLLOWING PAGES TO DETERMINE WHAT DOCUMENTATION MUST  
BE SUBMITTED WITH YOUR APPLICATION.**

# Clarence City Council

## DEVELOPMENT/USE OR SUBDIVISION CHECKLIST



### Documentation required:

#### 1. **MANDATORY DOCUMENTATION**

*This information is required for the application to be valid. An application lodged without these items is unable to proceed.*

- ☒ Details of the location of the proposed use or development.
- ☒ A copy of the current Certificate of Title, Sealed Plan, Plan or Diagram and Schedule of Easements and other restrictions for each parcel of land on which the use or development is proposed.
- ☒ Full description of the proposed use or development.
- ☐ Description of the proposed operation.  
*May include where appropriate: staff/student/customer numbers; operating hours; truck movements; and loading/unloading requirements; waste generation and disposal; equipment used; pollution, including noise, fumes, smoke or vibration and mitigation/management measures.*
- ☒ Declaration the owner has been notified if the applicant is not the owner.
- ☐ Crown or Council consent (if publically-owned land).
- ☐ Any reports, plans or other information required by the relevant zone or code.
- ☐ Fees prescribed by the Council.

*Application fees (please phone 03 6217 9550 to determine what fees apply). An invoice will be emailed upon lodgement.*

#### 2. **ADDITIONAL DOCUMENTATION**

*In addition to the mandatory information required above, Council may, to enable it to consider an application, request further information it considers necessary to ensure that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or specific area plan, applicable to the use or development.*

- ☒ **Site analysis plan and site plan**, including where relevant:

- Existing and proposed use(s) on site.
- Boundaries and dimensions of the site.
- Topography, including contours showing AHD levels and major site features.
- Natural drainage lines, watercourses and wetlands on or adjacent to the site.
- Soil type.
- Vegetation types and distribution, and trees and vegetation to be removed.
- Location and capacity of any existing services or easements on/to the site.
- Existing pedestrian and vehicle access to the site.
- Location of existing and proposed buildings on the site.
- Location of existing adjoining properties, adjacent buildings and their uses.
- Any natural hazards that may affect use or development on the site.
- Proposed roads, driveways, car parking areas and footpaths within the site.
- Any proposed open space, communal space, or facilities on the site.
- Main utility service connection points and easements.
- Proposed subdivision lot boundaries.

# Clarence City Council

## DEVELOPMENT/USE OR SUBDIVISION CHECKLIST



- ☒ Where it is proposed to erect buildings, **detailed plans** with dimensions at a scale of 1:100 or 1:200 showing:
- *Internal layout of each building on the site.*
  - *Private open space for each dwelling.*
  - *External storage spaces.*
  - *Car parking space location and layout.*
  - *Major elevations of every building to be erected.*
  - *Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites.*
  - *Relationship of the elevations to natural ground level, showing any proposed cut or fill.*
  - *Materials and colours to be used on rooves and external walls.*
- ☐ Where it is proposed to erect buildings, a plan of the proposed **landscaping** showing:
- *Planting concepts.*
  - *Paving materials and drainage treatments and lighting for vehicle areas and footpaths.*
  - *Plantings proposed for screening from adjacent sites or public places.*
- ☐ Any additional reports, plans or other information required by the relevant zone or code.

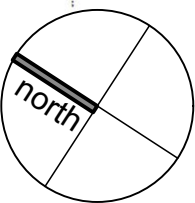
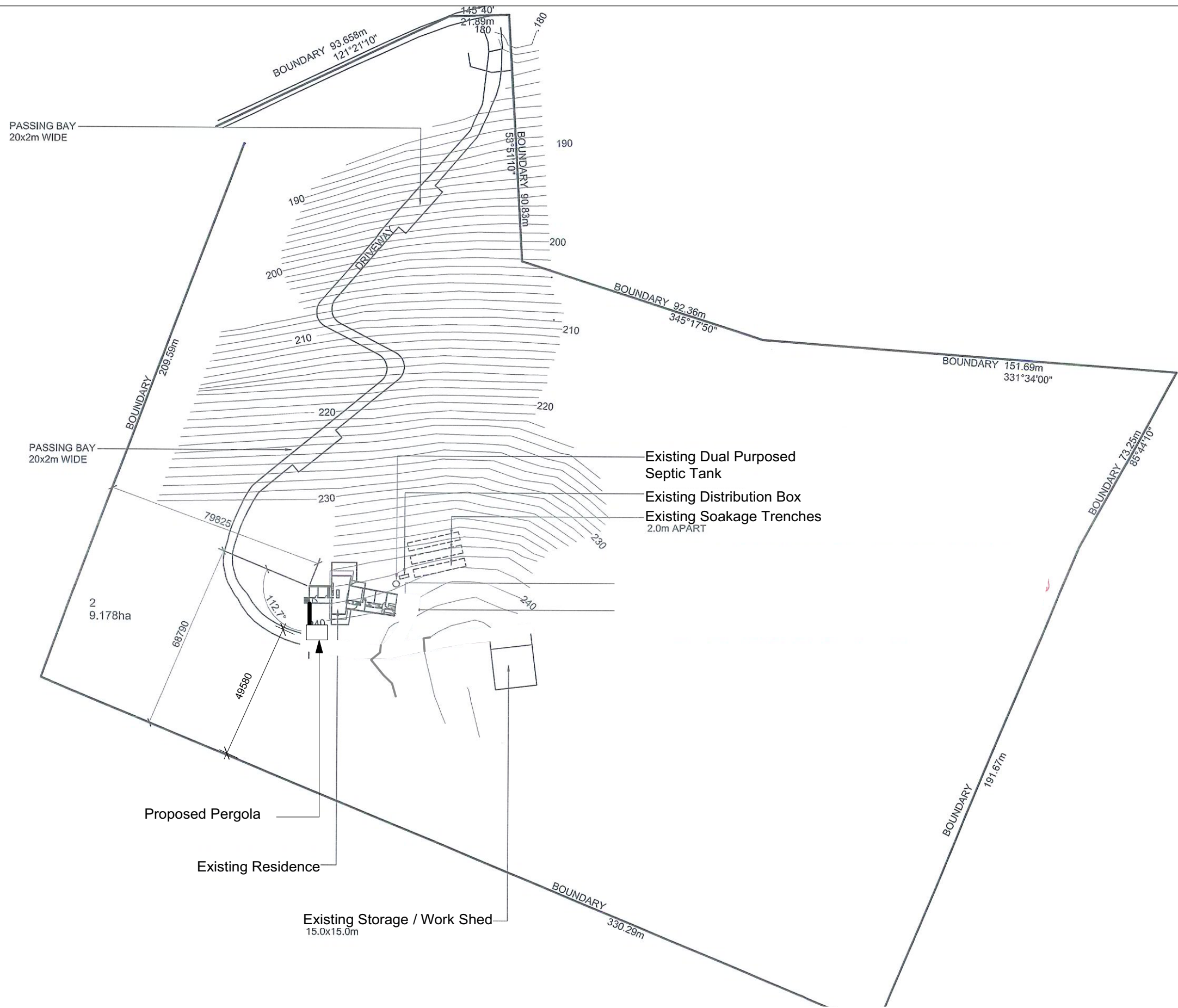
*This list is not comprehensive for all possible situations. If you require further information about what may be required as part of your application documentation, please contact Council's Planning Officers on (03) 6217 9550 who will be pleased to assist.*

**DRAWING INDEX**  
Development Application Set

Drawing List					
Sheet No.	Sheet Name	Sheet Size	Rev. No.	Rev. Date	Project No.
101	Location Plan	A3			2208
102	Vegetation Plan	A3			2208
103	Site Plan	A3			2208
104	Floor Plan & Elevations	A3			2208
201	Site Section	A3			2208

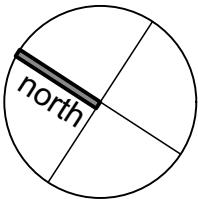
**BROOKS BBQ PERGOLA**  
274 ACTON DRIVE  
ACTON  
TASMANIA





ISSUE	DATE	REVISION	PROJECT			PROJECT #
			Proposed BBQ Pergola 274 Acton Drive, Acton			2208
			CLIENT	Hayden & Emily Brooks	DATE # 27-01-2023	DWG #
			DWG	Location Plan	SCALE @ A3 1:1500	DA101
					DRAWN dlm	REVISION
					CHKD --	
			<div> <div></div> <div>Pandani Building Design</div> <div>3 Eldon Street Lindisfarne</div> </div>			0466828778
			Acc. No. CC7328			dan@pandanidesign.com.au

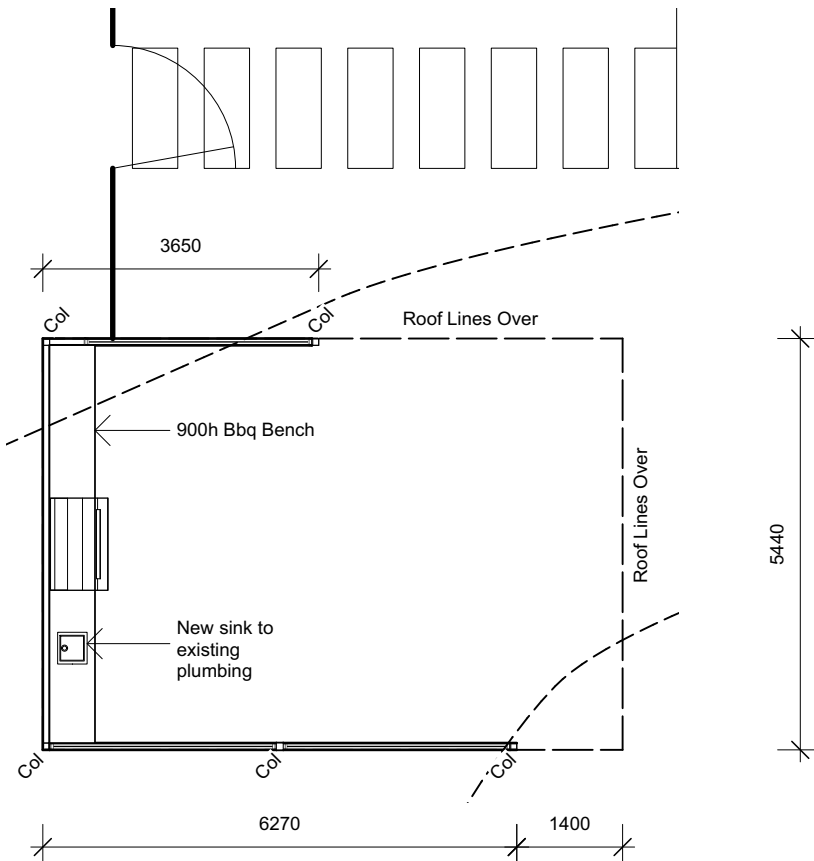




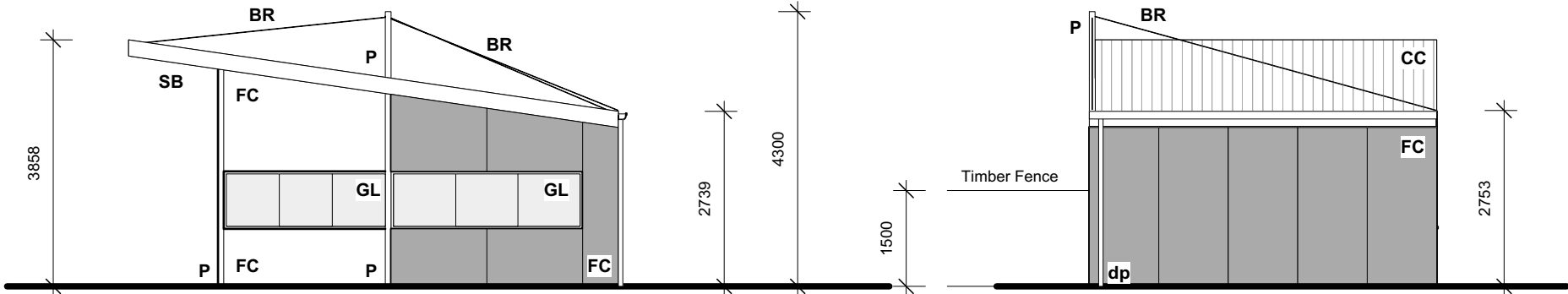
Document Set ID: 5087044  
Version: 1, Version Date: 27/03/2023



NOTE:  
Construction to be  
compliant to BAL 29

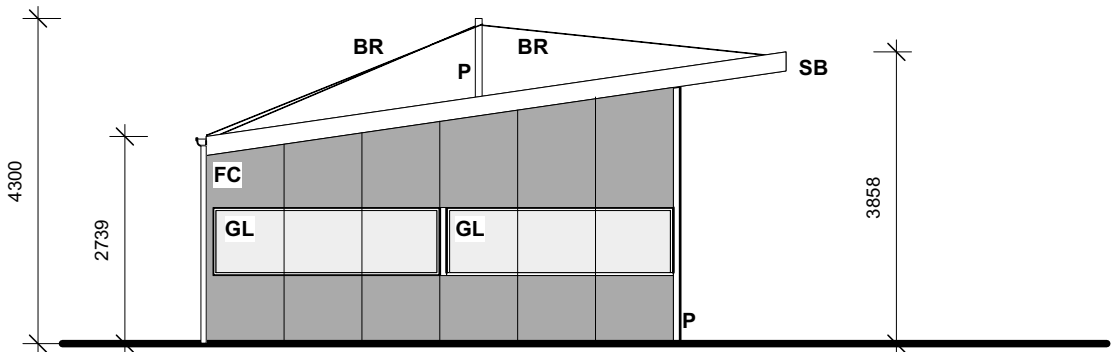


01 BBQ Pergola Floor Plan  
Scale: 1:100

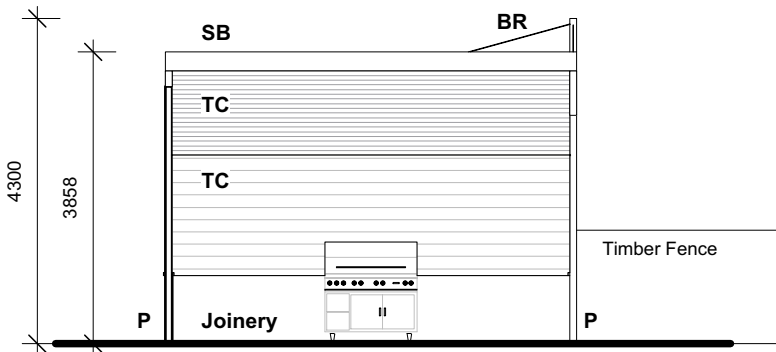


02 North East Elevation  
Scale: 1:100

03 North West Elevation  
Scale: 1:100

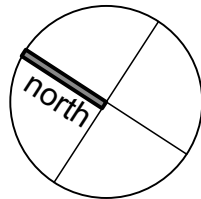


04 South West Elevation  
Scale: 1:100



05 South East Elevation  
Scale: 1:100

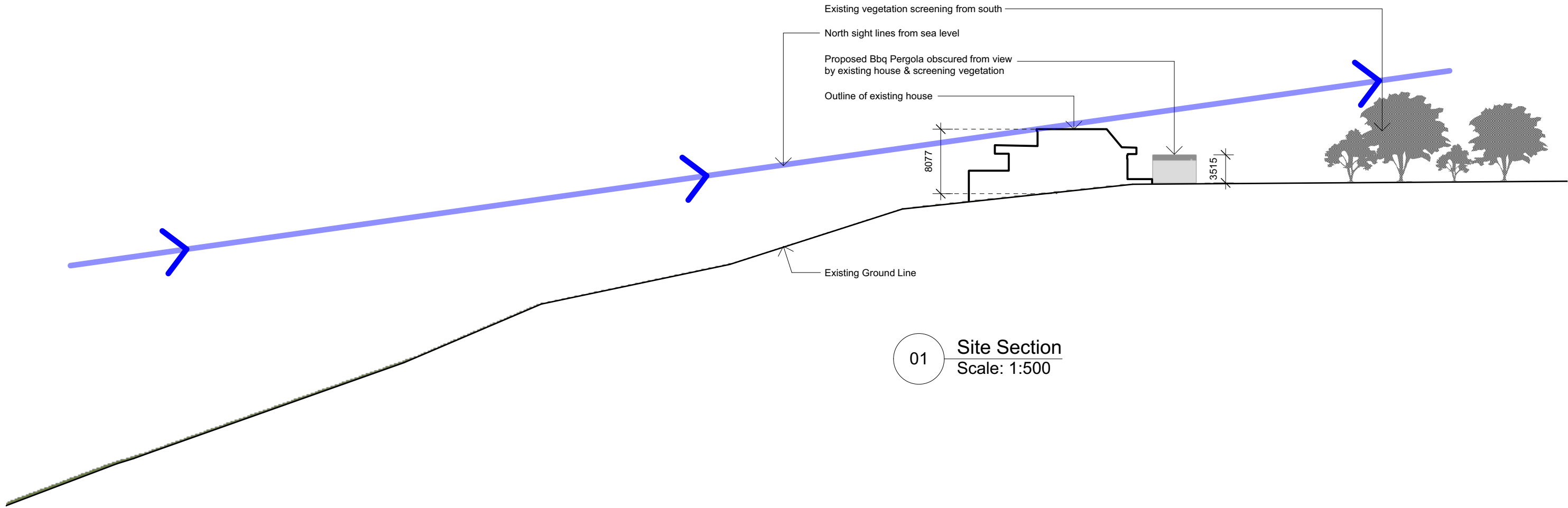
KEY	
TC -	SPOTTED GUM HORIZONTAL CLADDING - CLEAR OIL FINISH
FC -	JAMES HARDIE 'EASY LAP' CLADDING PAINT FINISH - DARK GREY
CC-	COLORBOND TRIMDEK CLADDING - DARK GREY COLOUR TO MATCH EXISTING
GL -	GLAZING - PERSPEX CLEAR
BR -	TENSIONED 10MM ROD BRACING
P -	PAINTED STEEL POSTS - BLACK
SB -	PAINTED STEEL BEAM - BLACK



ISSUE	DATE	REVISION	PROJECT			PROJECT #
			Proposed BBQ Pergola 274 Acton Drive, Acton			2208
			CLIENT	Hayden & Emily Brooks	DATE # 27-01-2023 SCALE @ A3 1:100	DWG # DA104
			DWG	Floor Plan & Elevations	DRAWN dlm CHKD --	REVISION
			Pandani Building Design 3 Eldon Street Lindisfarne			0466828778 dan@pandanidesign.com.au
			This drawing is to be read in conjunction with all associated specifications, consultants drawings, geotechnical report and other written instructions			
			All works are to comply with the Building Code of Australia, relevant Australian Standards, Local and other relevant Authority regulations and By-laws			
			DO NOT SCALE OFF DRAWINGS Report all discrepancies with Dan MacGregor			
			Acc. No. CC7328			



ISSUE	DATE	REVISION	<div>This drawing is to be read in conjunction with all associated specifications, consultants drawings, geotechnical report and other written instructions</div> <div>All works are to comply with the Building Code of Australia, relevant Australian Standards, Local and other relevant Authority regulations and By-laws</div> <div>DO NOT SCALE OFF DRAWINGS Report all discrepancies with Dan MacGregor</div>	<div><div>PROJECT</div><div>Proposed BBQ Pergola 274 Acton Drive, Acton</div></div> <div><div>CLIENT</div><div>Hayden &amp; Emily Brooks</div></div> <div><div>DWG</div><div>Vegetation Plan</div></div> <div><div><div><div></div><div></div><div></div></div><div><div>Pandani Building Design</div><div>3 Eldon Street Lindisfarne</div></div></div><div><div>Acc. No. CC7328</div><div>0466828778</div><div>dan@pandanidesign.com.au</div></div></div> <div><div>PROJECT #</div><div>2208</div></div> <div><div><div>DATE #</div><div>27-01-2023</div></div><div><div>SCALE @ A3</div><div>1:1500</div></div><div><div>DRAWN</div><div>dlm</div></div><div><div>CHKD</div><div>--</div></div></div> <div><div>DWG #</div><div>DA102</div></div> <div><div>REVISION</div><div></div></div>
-------	------	----------	--	---



01 Site Section  
Scale: 1:500

KEY	
TC -	SPOTTED GUM HORIZONTAL CLADDING - CLEAR OIL FINISH
FC -	JAMES HARDIE 'EASY LAP' CLADDING PAINT FINISH - DARK GREY
CC-	COLORBOND TRIMDEK CLADDING - DARK GREY COLOUR TO MATCH EXISTING
GL -	GLAZING - PERSPEX CLEAR
BR -	TENSIONED 10MM ROD BRACING
P -	PAINTED STEEL POSTS - BLACK
SB -	PAINTED STEEL BEAM - BLACK

ISSUE	DATE	REVISION	PROJECT			PROJECT #
			Proposed BBQ Pergola 274 Acton Drive, Acton			2208
			CLIENT	Hayden & Emily Brooks	DATE # 27-01-2023 SCALE @ A3 1:100	DWG #
			DWG	Site Section	DRAWN dlm CHKD --	DA201
			Pandani Building Design 3 Eldon Street Lindisfarne			0466828778 dan@pandanidesign.com.au
			This drawing is to be read in conjunction with all associated specifications, consultants drawings, geotechnical report and other written instructions			
			All works are to comply with the Building Code of Australia, relevant Australian Standards, Local and other relevant Authority regulations and By-laws			
			DO NOT SCALE OFF DRAWINGS Report all discrepancies with Dan MacGregor			

**From:** Sam Merlo <smerlo@hobartairport.com.au>  
**Sent:** Tuesday, January 23, 2024 12:48 PM  
**To:** dan@pandanidesign.com.au <dan@pandanidesign.com.au>  
**Cc:** hayden@xiffabrication.com.au <hayden@xiffabrication.com.au>; Emily Page <epage@hwle.com.au>  
**Subject:** RE: PLANNING APPLICATION - PDPLANPMTD-2023/034713 - 274 Acton Drive, Acton Park  
[SEC=OFFICIAL] [HWLE-KM.PRIVATE.EPAGE]

Hi Dan,

I can assist with your enquiry.

Under the Protection of Airspace Regulations 1996 applications may only be made for a ‘**proposed** controlled activity’. There is **no mechanism which would enable retrospective approval** to be granted for any penetration of prescribed airspace after the controlled activity has been completed.

#### **7 Application for approval to carry out controlled activity**

(1) For section 183 of the Act, the proponent of a proposed controlled activity must obtain the approval of the Secretary.

Note 1: A person may commit an offence against section 183 of the Act, and remedial orders may be made under section 187 of the Act, if a controlled activity is carried out other than in accordance with an approval.

Note 2: Certain controlled activities are declared to be exempt from Division 4 of Part 12 of the Act and do not require the Secretary’s approval (see Part 5 of these Regulations).

- (2) An application for the Secretary's approval must set out:
- (a) the proposed controlled activity; and
  - (b) its proposed location; and
  - (c) if the proposed controlled activity consists of the erection of a building, structure or thing:
    - (i) the proposed maximum height (above the Australian Height Datum) of the proposed building, structure or thing; and
    - (ii) the proposed maximum height (above the Australian Height Datum) of any temporary structure or equipment intended to be used in the erection of the proposed building, structure or thing; and
  - (d) the purposes of the controlled activity.

As the BBQ area roof has already been constructed, an approval cannot be granted and not required.

Clarence City Council should be aware of this.

If you require any further assistance, please let me know.

Thanks

**Sam Merlo**

Operations Compliance Coordinator

**P:** 0407 378 662 **E:** [smerlo@hobartairport.com.au](mailto:smerlo@hobartairport.com.au)

6 Hinkler Rd | Cambridge, Tas | 7170 [www.hobartairport.com.au](http://www.hobartairport.com.au)



*Connecting Communities*



## SEARCH OF TORRENS TITLE

VOLUME 154580	FOLIO 2
EDITION 6	DATE OF ISSUE 28-Oct-2022

SEARCH DATE : 16-Mar-2023

SEARCH TIME : 02.13 PM

DESCRIPTION OF LAND

City of CLARENCE

Lot 2 on Sealed Plan 154580

Derivation : Part of 1425 Acres Granted to W. Rumney

Prior CTs 197944/1 and 31871/3

SCHEDULE 1

M989260 TRANSFER to BRUCE ALAN MARTIN and CAROLYN KAY  
COSTIN-MARTIN Registered 28-Oct-2022 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP154580 EASEMENTS in Schedule of Easements

SP154580 COVENANTS in Schedule of Easements

SP154580 FENCING PROVISION in Schedule of Easements

SP 31871 COVENANTS in Schedule of Easements

SP 14776 COVENANTS in Schedule of Easements affecting the said  
land within described which formerly comprised part  
of Lot 2 on Sealed Plan No. 14776

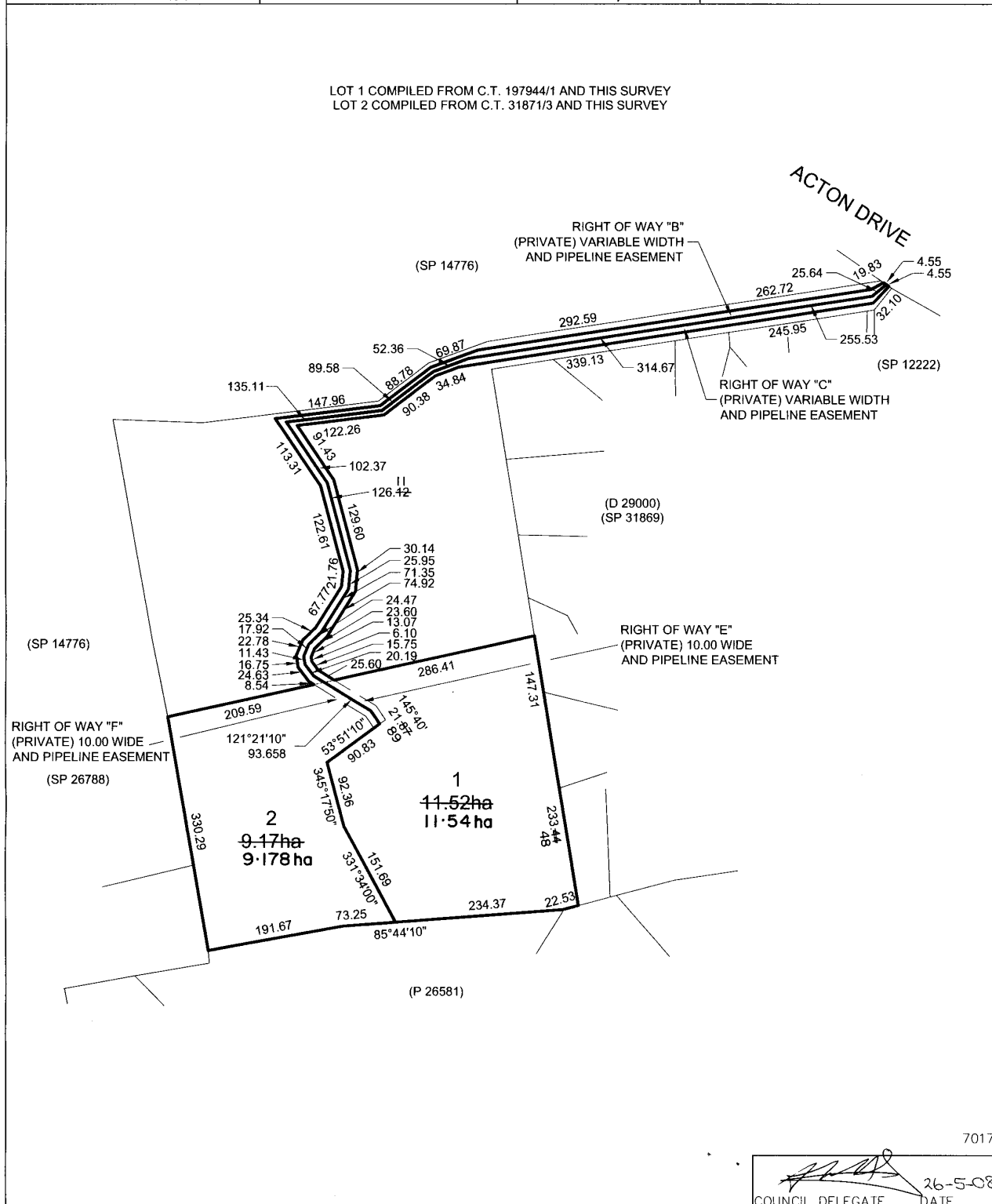
SP 14776 &amp; SP 31871 FENCING PROVISION in Schedule of Easements

SP 14776 & SP 31871 COUNCIL NOTIFICATION under Section 468(12)  
of the Local Government Act 1962

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER DENISE FRANCES ROBERTS  FOLIO REFERENCE C.T. 31871/3 C.T. 197944/1  GRANTEE PART OF 1425 ACRES GTD TO WILLIAM RUMNEY		<b>PLAN OF SURVEY</b>  BY SURVEYOR CHRISTOPHER LEWIS ANDREWS 57 MT. RUMNEY ROAD, MT RUMNEY  LOCATION <b>CITY OF CLARENCE</b>  SCALE 1: 5000      LENGTHS IN METRES		REGISTERED NUMBER <b>SP154580</b>  APPROVED EFFECTIVE FROM <b>18 AUG 2008</b>  <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No <b>107 (5225-45)</b>	LAST UPI No <b>HQT47, HQT49</b>	LAST PLAN No <b>SP31871, PI97944</b>	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	





## SEARCH OF TORRENS TITLE

VOLUME 154580	FOLIO 1
EDITION 3	DATE OF ISSUE 14-Nov-2013

SEARCH DATE : 24-Jan-2024

SEARCH TIME : 03.56 PM

DESCRIPTION OF LAND

City of CLARENCE

Lot 1 on Sealed Plan 154580

Derivation : Part of 1425 Acres Granted to W. Rumney

Prior CTs 31871/3 and 197944/1

SCHEDULE 1

D85035      TRANSFER to CLINTON STANLEY STEELE and ROSEMARY  
                 STEELE      Registered 16-Apr-2013 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP154580 EASEMENTS in Schedule of Easements

SP154580 COVENANTS in Schedule of Easements

SP154580 FENCING PROVISION in Schedule of Easements

SP31871 &amp; SP14776 COVENANTS in Schedule of Easements

SP 14776 COVENANTS in Schedule of Easements affecting the said  
land within described which formerly comprised part  
of Lot 2 on Sealed Plan No. 14776

SP 14776 &amp; SP 31871 FENCING PROVISION in Schedule of Easements

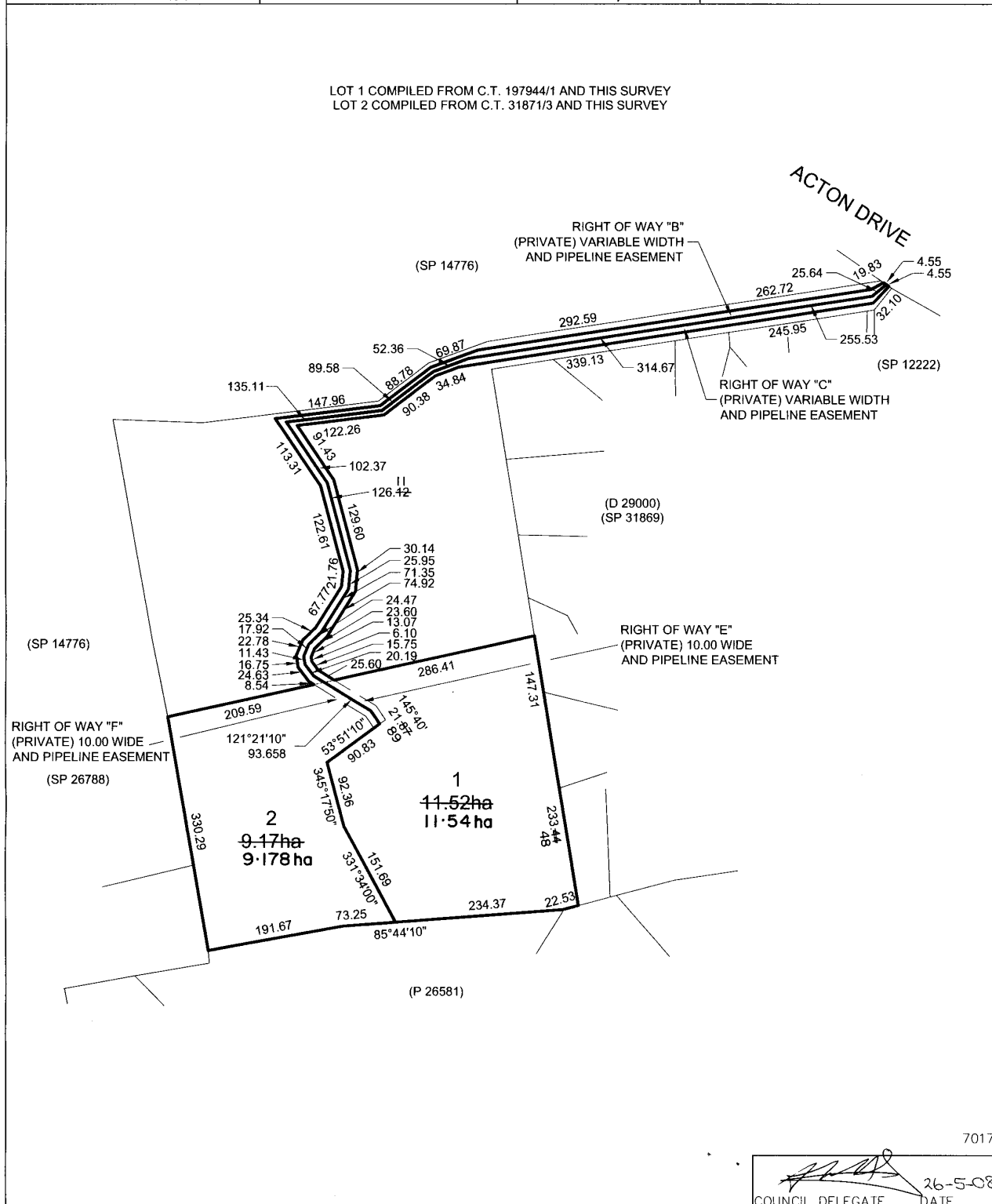
SP 14776 & SP 31871 COUNCIL NOTIFICATION under Section 468(12)  
of the Local Government Act 1962

D107537      MORTGAGE to Commonwealth Bank of Australia  
                 Registered 14-Nov-2013 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER DENISE FRANCES ROBERTS  FOLIO REFERENCE C.T. 31871/3 C.T. 197944/1  GRANTEE PART OF 1425 ACRES GTD TO WILLUMNEY		<b>PLAN OF SURVEY</b>  BY SURVEYOR CHRISTOPHER LEWIS ANDREWS 57 MT. RUMNEY ROAD, MT RUMNEY  LOCATION <b>CITY OF CLARENCE</b>  SCALE 1: 5000      LENGTHS IN METRES		REGISTERED NUMBER <b>SP154580</b>  APPROVED EFFECTIVE FROM <b>18 AUG 2008</b>  <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No <b>107 (5225-45)</b>	LAST UPI No <b>HQT47, HQT49</b>	LAST PLAN No <b>SP31871, PI97944</b>	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	



## SEARCH OF TORRENS TITLE

VOLUME 31871	FOLIO 1
EDITION 3	DATE OF ISSUE 21-Jan-1997

SEARCH DATE : 24-Jan-2024

SEARCH TIME : 03.56 PM

DESCRIPTION OF LAND

City of CLARENCE

Lot 1 on Sealed Plan 31871

Derivation : Part of 1425 Acres Gtd. to W. Rumney

Prior CT 4385/33

SCHEDULE 1

B838692    TRANSFER to REGINA MARIA NICKEL    Registered  
21-Jan-1997 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 31871 EASEMENTS in Schedule of Easements

SP 31871 COVENANTS in Schedule of Easements

SP 14776 COVENANTS in Schedule of Easements

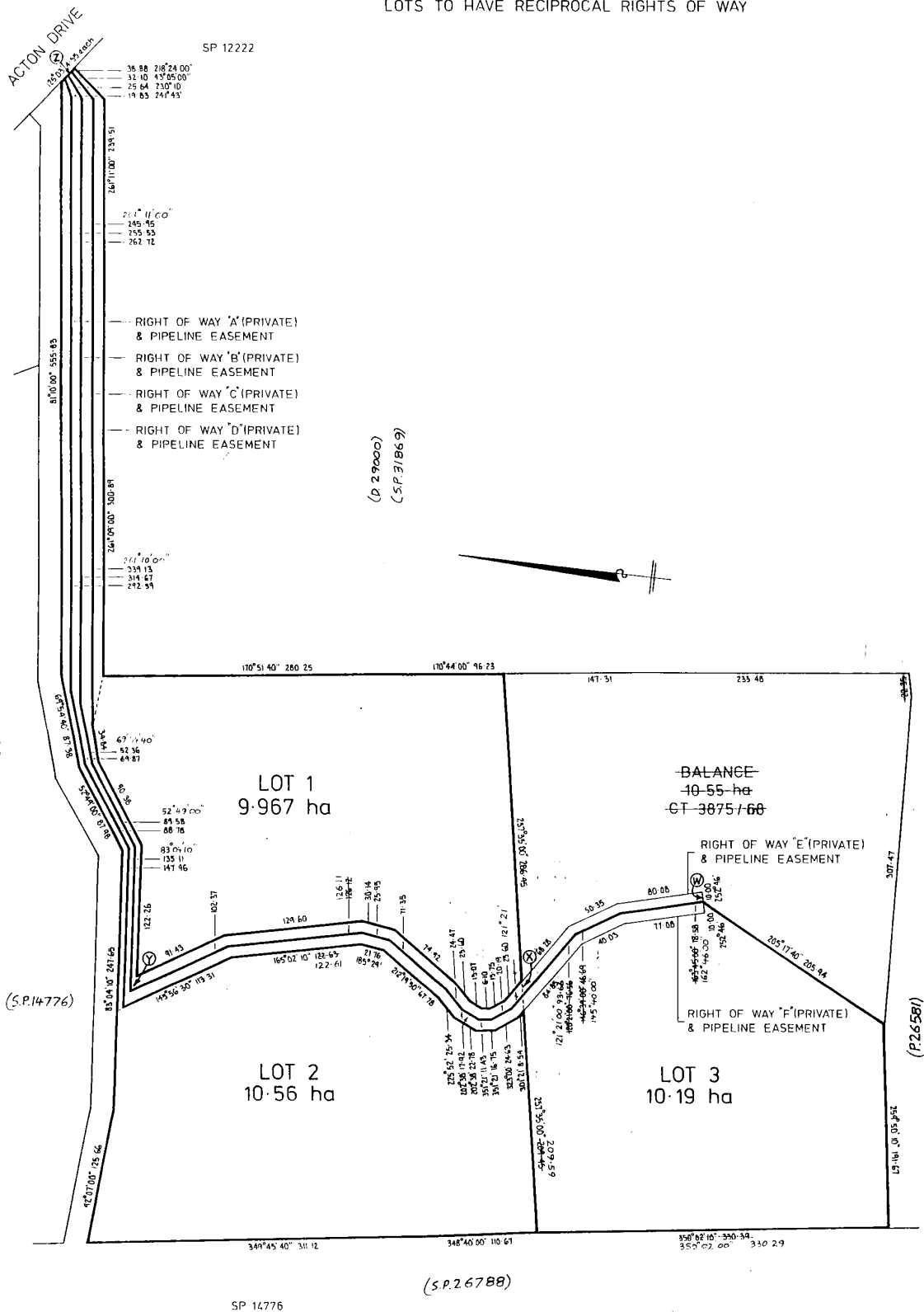
SP 14776 &amp; 31871 FENCING PROVISION in Schedule of Easements

SP 14776 COUNCIL NOTIFICATION under Section 468(12) of the  
Local Government Act 1962SP 31871 COUNCIL NOTIFICATION under Section 468(12) of the  
Local Government Act 1962UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Owner: PHILLIP SYDNEY BISHOP DENISE FRANCES ROBERTS	PLAN OF SURVEY by Surveyor: CL. ANDREWS of land situated in the	Registered Number: <b>S. P31871</b>
Title Reference: CT 3875/68	LAND DISTRICT OF MONMOUTH PARISH OF CLARENCE	Approved: 29 JUL 1987 Effective from:
Grantee: PART OF 1425 ACRES GRANTED TO WILLIAM RUMNEY	SCALE 1:3000 MEASUREMENTS IN METRES	Acting Recorder of Titles

LOTS TO HAVE RECIPROCAL RIGHTS OF WAY



## SEARCH OF TORRENS TITLE

VOLUME 31871	FOLIO 2
EDITION 9	DATE OF ISSUE 04-Apr-2023

SEARCH DATE : 24-Jan-2024

SEARCH TIME : 03.56 PM

DESCRIPTION OF LAND

City of CLARENCE

Lot 2 on Sealed Plan 31871

Derivation : Part of 1425 Acres Gtd. to W. Rumney

Prior CT 4385/34

SCHEDULE 1

M495003 & M821281 TRANSFER to LIAM PHILIP HOOPER Registered  
16-Jun-2020 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 31871 EASEMENTS in Schedule of Easements

SP 31871 COVENANTS in Schedule of Easements

SP 14776 COVENANTS in Schedule of Easements

SP 14776 &amp; SP 31871 FENCING PROVISION in Schedule of Easements

SP 14776 COUNCIL NOTIFICATION under Section 468(12) of the  
Local Government Act 1962SP 31871 COUNCIL NOTIFICATION under Section 468(12) of the  
Local Government Act 1962E331036 MORTGAGE to Judo Bank Pty Ltd Registered 09-Jan-2023  
at noonUNREGISTERED DEALINGS AND NOTATIONS

N173750 PRIORITY NOTICE reserving priority for 90 days  
D/MORTGAGE JUDO BANK PTY LTD to LIAM PHILIP HOOPER  
TRANSFER LIAM PHILIP HOOPER to JASON FRANCIS GIARRUSSO  
MORTGAGE JASON FRANCIS GIARRUSSO to Perpetual  
Corporate Trust Limited (ACN 000 341 533) Lodged by  
TAS CONVEYANCING PTY LTD on 06-Dec-2023 BP: N173750

E373589 MORTGAGE to Perpetual Corporate Trust Limited  
Lodged by SHIELDS HERITAGE - H on 12-Jan-2024 BP:  
N173090

N173090 DISCHARGE OF MORTGAGE E331036 Lodged by SHIELDS  
HERITAGE - H on 12-Jan-2024 BP: N173090

N173747 TRANSFER to JASON FRANCIS GIARRUSSO Lodged by

SHIELDS HERITAGE - H on 12-Jan-2024 BP: N173090

Owner: PHILLIP SYDNEY BISHOP DENISE FRANCES ROBERTS	PLAN OF SURVEY by Surveyor CL ANDREWS of land situated in the	Registered Number: <b>S. P31871</b>
Title Reference: CT 3875/68	LAND DISTRICT OF MONMOUTH PARISH OF CLARENCE	Approved: 29 JUL 1987 Effective from:
Grantee: PART OF 1425 ACRES GRANTED TO WILLIAM RUMNEY	SCALE 1:3000 MEASUREMENTS IN METRES	Acting Recorder of Titles

LOTS TO HAVE RECIPROCAL RIGHTS OF WAY

